

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3241-3260

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations of the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., January 25, 1951.

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*For presence of a habit-forming narcotic without warning statement, see Nos. 3241, 3245, 3246; omission of, or unsatisfactory, ingredients statements, Nos. 3242, 3243, 3246, 3258; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3241-3248; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3241-3245, 3248.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE
DIRECTIONS OR WARNING STATEMENTS

3241. Misbranding of sulfathiazole lozenges, Dexedrine Sulfate tablets, and Tuinal capsules. U S. v. Elias A. Doerr (Doerr's Drug Store), and Arthur R. Morgan. Pleas of guilty. Each defendant fined \$100 and placed on probation for 1 year. (F. D. C. No. 28121; Sample Nos. 61307-K, 61312-K, 61315-K, 61316-K.)

INFORMATION FILED: January 31, 1950, Eastern District of Illinois, against Elias A. Doerr, trading as Doerr's Drug Store, Murphysboro, Ill., and Arthur R. Morgan, a pharmacist.

INTERSTATE SHIPMENT: On or about December 10, 1947, and April 21 and May 27, 1949, from the States of Indiana and Missouri into the State of Illinois, of quantities of *sulfathiazole lozenges*, *Dexedrine Sulfate tablets*, and *Tuinal capsules*.

ALLEGED VIOLATION: On or about July 22 and 27, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendants, Elias A. Doerr and Arthur R. Morgan, caused a number of *sulfathiazole lozenges* and a number of *Dexedrine Sulfate tablets* to be repackaged and sold without a prescription, and on July 28, 1949, defendant Elias A. Doerr caused a number of *sulfathiazole lozenges* and a number of *Tuinal capsules* to be repackaged and sold without a prescription, which acts of the defendants resulted in the drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), one sale of the repackaged *sulfathiazole lozenges* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *Tuinal capsules* contained derivatives of barbituric acid, which derivatives had been found to be, and by regulations designated as, habit forming; and when repackaged, the *Tuinal capsules* failed to bear a label containing the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), all of the repackaged drugs failed to bear labeling containing directions for use; and, Section 502 (f) (2), the repackaged *sulfathiazole lozenges* bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: September 25, 1950. Pleas of guilty having been entered, the court fined each defendant \$100 and placed each on probation for 1 year.

3242. Misbranding of sulfathiazole tablets. U. S. v. Stephen S. Titus (Titus Pharmacy). Plea of guilty. Fine, \$600. (F. D. C. No. 29415. Sample Nos. 13614-K, 13619-K, 13805-K.)

INFORMATION FILED: June 29, 1950, Eastern District of Pennsylvania, against Stephen S. Titus, trading as Titus Pharmacy, Philadelphia, Pa.

INTERSTATE SHIPMENT: On or about September 10, 1948, from the State of New York into the State of Pennsylvania, of a quantity of *sulfathiazole tablets*.

ALLEGED VIOLATION: On or about July 15 and August 2 and 10, 1949, while a number of the *sulfathiazole tablets* were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and sold without a prescription, which acts resulted in the tablets being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged tablets failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and Section 502 (e) (1), the label of the repackaged tablets failed to bear the common or usual name of the drug, namely, *sulfathiazole*.

Further misbranding, Section 502 (f) (1), the labeling of the repackaged tablets failed to bear adequate directions for use since the labeling of the tablets involved in one of the sales bore no directions for use and since the directions, "2-1/4 x a day" and "2-1 Every 4 hours," borne on the labeling of the tablets involved in the other sales, were not adequate directions for use; and, Section 502 (f) (2), the labeling of the repackaged tablets bore no warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: October 9, 1950. A plea of guilty having been entered, the court imposed a fine of \$600.

3243. Misbranding of sulfathiazole tablets. U. S. v. Jacob Sheckter (Sheckter's Drug Store). Plea of guilty. Fine, \$300. (F. D. C. No. 29128. Sample Nos. 13820-K, 48547-K, 48655-K.)

INFORMATION FILED: June 29, 1950, Eastern District of Pennsylvania, against Jacob Sheckter, trading as Sheckter's Drug Store, Philadelphia, Pa.

INTERSTATE SHIPMENT: Between the approximate dates of May 31 and September 28, 1949, from the State of Maryland into the State of Pennsylvania.

ALLEGED VIOLATION: On or about October 24 and 28 and November 3, 1949, while the *sulfathiazole tablets* were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and sold without a prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged tablets failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and Section 502 (e) (1), the label of the repackaged tablets failed to bear the common or usual name of the drug, namely, *sulfathiazole*.

Further misbranding, Section 502 (f) (1), the repackaged *sulfathiazole tablets* failed to bear labeling containing adequate directions for use; and, Section 502 (f) (2), the tablets bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: October 2, 1950. A plea of guilty having been entered, the court imposed a fine of \$300.

3244. Misbranding of Seconal Sodium capsules. U. S. v. Minter A. Dunn (Glade Spring Pharmacy). Plea of guilty. Defendant fined \$1,000 and placed on probation for one year. (F. D. C. No. 29115. Sample Nos. 2339-K to 2343-K, incl., 2345-K.)

INFORMATION FILED: June 7, 1950, Western District of Virginia, against Minter A. Dunn, trading as the Glade Spring Pharmacy, Glade Spring, Va.

INTERSTATE SHIPMENT: Between the approximate dates of May 3 and July 6, 1949, from the State of Indiana into the State of Virginia, of a quantity of *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about August 6, 9, 12, 18, 20, and 22, 1949, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of *Seconal Sodium capsules* to be repacked and sold without a prescription, which acts of the defendant resulted in the capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *Seconal Sodium capsules*, with the exception of those involved in one sale, failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), all of the repackaged capsules failed to bear a label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and when repackaged, the label failed to bear the name, and quantity or proportion of such derivative and the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear directions for use.

DISPOSITION: October 2, 1950. A plea of guilty having been entered, the court imposed a fine of \$1,000 and placed the defendant on probation for one year.

3245. Misbranding of Seconal Sodium capsules. U. S. v. Johnson's Drug Store, Inc., and George W. Johnson. Plea of guilty. Fine, \$50. (F. D. C. No. 29424. Sample Nos. 3025-K, 3026-K.)

INFORMATION FILED: August 4, 1950, Eastern District of Virginia, against Johnson's Drug Store, Inc., and George W. Johnson, president of the corporation, Richmond, Va.

INTERSTATE SHIPMENT: Between the approximate dates of January 18 and September 27, 1949, from the State of Indiana into the State of Virginia, of quantities of *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about October 6 and 12, 1949, while the drug was being held for sale after shipment in interstate commerce, the defendants caused a number of the *Seconal Sodium capsules* to be repacked into bottles and to be sold without a prescription, which acts of the defendants resulted in the capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the label of the repackaged *Seconal Sodium capsules* bore no statements containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), the repackaged capsules bore no label containing a statement of the quantity of the contents.

Further misbranding Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative the Federal Security Administrator,

after investigation, has found to be, and by regulations designated as, habit forming; and when repackaged, the drug failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the repackaged capsules bore no labeling containing directions for use.

DISPOSITION: September 13, 1950. A plea of guilty having been entered, the court imposed a fine of \$50.

3246. Misbranding of Seconal Sodium capsules. U. S. v. James Street Pharmacy, Inc. Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 26700. Sample Nos. 37388-K, 37391-K.)

INFORMATION FILED: July 8, 1949, Western District of Washington, against James Street Pharmacy, Inc., Seattle, Wash.

INTERSTATE SHIPMENT: Between the approximate dates of March 3 and September 10, 1948, from the State of Indiana into the State of Washington, of a quantity of *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about November 27 and December 8, 1948, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of the *Seconal Sodium capsules* to be repacked and sold without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged *Seconal Sodium capsules* bore no label containing a statement of the quantity of the contents; and, Section 502 (e) (1), the label of the repackaged capsules failed to bear the common or usual name of the drug, namely, Seconal.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative, the Federal Security Administrator, after investigation, has found to be, and by regulations designated as, habit forming; and when repackaged, the label failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the directions "One at night if unable to sleep," borne on the labeling of the repackaged capsules, were not adequate directions for use.

DISPOSITION: September 25, 1950. A plea of guilty having been entered, the court imposed a fine of \$500, plus costs.

3247. Misbranding of Dexedrine Sulfate tablets. U. S. v. Glen P. James (James Drug). Plea of guilty. Fine, \$50. (F. D. C. No. 29470. Sample No. 64297-K.)

INFORMATION FILED: October 18, 1950, District of South Dakota, against Glen P. James, trading as James Drug, Wagner, S. Dak.

INTERSTATE SHIPMENT: From the State of Pennsylvania into the State of South Dakota, of a quantity of *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about November 12, 1949, while the *Dexedrine Sulfate tablets* were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and sold without a prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged *Dextro-drine Sulfate tablets* failed to bear a label containing a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged tablets bore no directions for use.

DISPOSITION: October 24, 1950. A plea of guilty having been entered, the court imposed a fine of \$50.

3248. Misbranding of mammary extract. U. S. v. 22,000 Ampuls, etc. (F. D. C. No. 28719. Sample No. 73417-K.)

LABEL FILED: February 28, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about December 29, 1949, by Specific Pharmaceuticals, Inc., from Bayonne, N. J.

PRODUCT: 22,000 1.1-cc. ampuls and 2,675 1.5-cc. ampuls of *mammary extract* at New York, N. Y.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the article bore no label containing the name and place of business of the manufacturer, packer or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

DISPOSITION: August 3, 1950. The sole intervener having withdrawn his claim, judgment of condemnation was entered and the court ordered that the product be destroyed.

3249. Misbranding of Beatsol Rectifiers. U. S. v. 20 Packages * * *. (F. D. C. No. 29396. Sample No. 73363-K.)

LABEL FILED: July 13, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about May 22, 1950, by G. & W. Laboratories, from Jersey City, N. J.

PRODUCT: 20 24-tablet packages of *Beatsol Rectifiers* at New York, N. Y.

LABEL, IN PART: (Package) "Contains 24 Tablets Beatsol Rectifiers For Both Sexes Formula Phosphorus—Ext. Nux Vomica $\frac{1}{4}$ gr. (Strychnine $\frac{1}{65}$ gr.)—Ext. Damiana."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading since they suggested and implied that the article was an effective treatment for lost vitality, impotency, exhaustion, nervousness, and weakness in both sexes, whereas the article was not an effective treatment for such conditions; and, Section 502 (f) (2), the labeling of the article failed to bear such adequate warnings as are necessary for the protection of users since its labeling failed to warn that because of the strychnine ingredient more than the recommended dosage should not be taken and its use by elderly persons may be dangerous.

DISPOSITION: August 2, 1950. Default decree of condemnation. The court ordered that the product be delivered to the Food and Drug Administration.

DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

3250. Adulteration of gentian root. U. S. v. 76 Bags * * *. (F. D. C. No. 29707. Sample No. 73029-K.)

LABEL FILED: August 29, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about March 2, 1950, from Trieste, Italy.

PRODUCT: 76 bags, each containing 122 pounds, of *gentian root* at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 20, 1950. William E. Martin Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of fumigating, sifting, cleaning, and otherwise treating the product so as to bring it into compliance with the law, under the supervision of the Federal Security Agency.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

3251. Adulteration and misbranding of chorionic gonadotropin. U. S. v. 3 Vials * * *. (F. D. C. No. 29398. Sample No. 1788-K.)

LIBEL FILED: On or about July 18, 1950, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 31, 1950, from Los Angeles, Calif.

PRODUCT: 3 10-cc. vials of *chorionic gonadotropin* at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article different from that which it purported to possess.

Misbranding, Section 502 (a), the label statement "One vial contains 5,000 I. U. of Chorionic Gonadotropin in a dried sterile powder which, when diluted with the accompanying 10 cc of diluent provides a solution having a potency of 500 I. U. per cc" was false and misleading as applied to an article which contained substantially less than 5,000 International Units of chorionic gonadotropin per vial.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 7, 1950. Default decree of condemnation and destruction.

3252. Adulteration of papaverine hydrochloride. U. S. v. 2 Bottles * * *. (F. D. C. No. 29399. Sample No. 81209-K.)

LIBEL FILED: July 14, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 11, 1949, from Los Angeles, Calif.

PRODUCT: 2 bottles, each containing 16 ounces, of *papaverine hydrochloride* at Philadelphia, Pa.

Examination showed that the product was a cream-colored powder which did not meet all of the United States Pharmacopoeia tests for identity and the United States Pharmacopoeia requirement for the limit of organic impurities.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be, and was represented as, "Papaverine Hydrochloride," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, and its quality and purity fell below the official standard. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 21, 1950. Default decree of condemnation and destruction.

3253. Adulteration and misbranding of sulfamerazine tablets. U. S. v. 2 Bottles * * *. (F. D. C. No. 29515. Sample No. 76150-K.)

LABEL FILED: August 4, 1950, Northern District of Iowa.

ALLEGED SHIPMENT: On or about May 15, 1950, by Hopkins & Hopkins Pharmaceutical Co., Inc., from Philadelphia, Pa.

PRODUCT: 2 bottles each containing 1,000 *sulfamerazine tablets* at Milford, Iowa.

LABEL, IN PART: "1000 Sulfamerazine Tablets 7.7 Gr."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be, and was represented as, "Sulfamerazine Tablets," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, and its strength differed from the standard set forth in such compendium since the article contained less than 95 percent of the labeled amount of sulfamerazine.

Misbranding, Section 502 (a), the label statement "Sulfamerazine Tablets 7.7 Gr." was false and misleading since the article contained less than 7.7 grains of sulfamerazine per tablet.

DISPOSITION: September 6, 1950. Default decree of condemnation and destruction.

3254. Adulteration and misbranding of isopropyl alcohol rubbing compound. U. S. v. 6 Cartons, etc. (F. D. C. No. 29507. Sample Nos. 68537-K to 68539-K, incl.)

LABEL FILED: July 28, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about April 4, 1950, by the Norton Products Co., from Los Angeles, Calif.

PRODUCT: 18 cartons, each containing 24 1-pint bottles, of *isopropyl alcohol rubbing compound* at Tacoma, Wash.

LABEL, IN PART: (Bottle) "Norco [or "Fairmont Scented" or "Excello"] Isopropyl Alcohol Rubbing Compound Isopropyl Alcohol 70%."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be, and was represented as, "Isopropyl Alcohol Rubbing Compound," a drug the name of which is recognized in the National Formulary, an official compendium, and its strength differed from the official standard since it contained less than 68 percent isopropyl alcohol.

Misbranding, Section 502 (a), the label statement "Isopropyl Alcohol 70%" was false and misleading.

DISPOSITION: September 5, 1950. Default decree of condemnation and destruction.

3255. Adulteration and misbranding of isopropyl alcohol rubbing compound. U. S. v. 17 Cases * * *. (F. D. C. No. 29202. Sample No. 68530-K.)

LABEL FILED: May 10, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about March 16, 1950, by the Norton Products Co., from Los Angeles, Calif.

PRODUCT: 17 cases, each containing 24 1-pint bottles, of *isopropyl alcohol rubbing compound* at Seattle, Wash.

LABEL, IN PART: "Fairmont Scented Isopropyl Alcohol Rubbing Compound Isopropyl Alcohol 70%."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be, and was represented as "Isopropyl Alcohol Rubbing Compound," a drug the name of which is recognized in the National Formulary, an official compendium, and its strength differed from the official standard since it contained less than 68 percent isopropyl alcohol.

Misbranding, Section 502 (a), the label statement "Isopropyl Alcohol 70%" was false and misleading.

DISPOSITION: September 11, 1950. Default decree of condemnation and destruction.

3256. Adulteration and misbranding of prophylactics. U. S. v. 44 Gross * * *
(F. D. C. No. 29244. Sample No. 53619-K.)

LABEL FILED: On or about June 12, 1950, Southern District of Texas.

ALLEGED SHIPMENT: On or about May 1, 1950, by the Dean Rubber Mfg. Co., from North Kansas City, Mo.

PRODUCT: 44 gross of *prophylactics* at Mercedes, Tex. Examination of samples showed that 2.6 percent were defective in that they contained holes.

LABEL, IN PART: "Dean's Peacock Reservoir Ends."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the label statements "An Aid In Preventing Venereal Disease * * * Tested * * * For Your Protection" were false and misleading as applied to an article containing holes.

DISPOSITION: July 12, 1950. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3257. Misbranding of Elemin and G & J Formula No. 701. U. S. v. 4 Bottles, etc.
(F. D. C. No. 29685. Sample Nos. 75737-K, 75738-K.)

LABEL FILED: August 11, 1950, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about September 28, 1949, by the G & J Distributors, from Berkeley, Calif.

PRODUCT: 4 700-tablet bottles of *Elemin* and 4 350-tablet bottles and 1 100-tablet bottle of *G & J Formula No. 701* at Milton, Wis., together with quantities of accompanying printed matter. The printed matter consisted of booklets entitled "Facts You Should Know" and "Food For Health," a letter dated March 22, 1949, headed "To all Dealers and Distributors," and leaflets entitled "Minerals For Health," "Did You Know That," and "Mineral Chart."

LABEL, IN PART: (Bottles) "Elemin As A Source Of The Minerals Iron And Iodine Contains: Iodine and Iron as naturally present in dehydrated kelp, iron gluconate and a Sedimentary Mineral Deposit" and "G & J Formula No. 701 Vitamins Each 3 tablets will supply: Vitamin A (Fish Liver Oils) 5000 U. S. P. Units Vitamin D (Irradiated Ergosterol) 1000 U. S. P. Units Vitamin B₁ (Thiamin Hcl and Yeast) 3.0 Mg. Vitamin B₂ (Riboflavin) 2.0 Mg. Vitamin B₆ (Pyridoxine Hcl) 1.0 Mg. Vitamin C (Ascorbic Acid) 50.0 Mg. Vitamin E (Alpha Tocopherol) 3.0 Mg. Niacin 20.0 Mg. Calcium Pantothenate 5.0 Mg. Concentrated Beef Liver Extract 65.0 Mg."

*See also Nos. 3249, 3251, 3253-3256.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying printed matter were false and misleading since the articles were not effective for the purposes stated and implied. The statements represented that the articles were effective to prevent and correct tuberculosis, rickets, acidosis, headaches, asthma, congestion, indigestion, kidney disorders, nervousness, skin diseases, underweight, constipation, infection, obesity, low vitality, impatience, neuritis, skin disease, anemia, many degrees of eye trouble, nervous diseases, paralysis, muscular diseases, loss of weight, underdeveloped bones and teeth in children, mental slowness, bad nerves, mental depression, stomach ulcer, bone deformities, bad teeth, fatigability, behavior disturbances, nonadaptability, chronic gastritis, hyperacidity, diabetes, overweight, arthritis, heart diseases, lumbago, gland trouble of all sorts, reduced resistance to other diseases, severe colds, rheumatic heart diseases, bad blood, biliousness, slow digestion, stomach gas, heart palpitation and many other troubles caused by an overworked liver, poor memory, mental fatigue, catarrh, hardening processes, iron insufficiency, old-age deposits, neurasthenia, piling up of impurities, failure of liver to handle its materials, pain, pyorrhea, auto-intoxication, excess fat, pimples, failure of sores to heal, liver disorders, restlessness, toxic conditions, undue accumulation of waste matter, bad eyesight, baldness, gray hair, bad complexion, rundown weakened condition, poor resistance, sterility, lameness, and poor joints.

DISPOSITION: September 26, 1950. Default decree of forfeiture and destruction.

3258. Misbranding of Blanche Dunlap's massage cream and Mor-Hair scalp treatment. U. S. v. 44 Bottles, etc. (F. D. C. No. 29379. Sample Nos. 67731-K to 67733-K, incl.)

LABEL FILED: July 5, 1950, District of Utah.

ALLEGED SHIPMENT: On or about March 15, 1950, by Blanche Dunlap, Inc., Brown Palace Hotel Beauty Sales, from Denver, Colo.

PRODUCT: 44 4-ounce bottles of *Blanche Dunlap's massage cream*, and 10 cartons, each containing 2 4-ounce bottles and 1 4-ounce jar, of *Mor-Hair Scalp Treatment* at Salt Lake City, Utah, together with a number of leaflets entitled "*The Mor-Hair Scalp Treatment*."

RESULTS OF INVESTIGATION: The leaflet was received by the consignee from Blanche Dunlap, Inc., about four years previous to the seizure of the scalp treatment.

Analyses showed that the *Blanche Dunlap's massage cream* consisted essentially of castor oil, glycerin, and isopropyl alcohol, and that the *Mor-Hair scalp treatment* consisted essentially of the following: ("Trick 1") kerosene and saponifiable oils, such as olive oil and castor oil; ("Trick 2") creosote, mineral oil, and saponifiable oils; and ("Trick 3") petrolatum, with a small proportion of saponifiable oil.

LABEL, IN PART: (Bottle) "Blanche Dunlap's Massage Cream"; (carton) "Mor-Hair Scalp Treatment"; (bottle) "Blanche Dunlap's Trick 1" [or "Trick 2"]; and (jar) "Blanche Dunlap's Trick 3."

NATURE OF CHARGE: *Blanche Dunlap's massage cream*. Misbranding, Section 502 (a), the label statements "Now something can be done to glamorize your figure. Ask about the guaranteed Breast Massage Treatment. Let us help you to get the contour you desire" were false and misleading since the article

was not effective for the purposes stated and implied; and, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient and failed to declare the amount of isopropyl alcohol contained therein. The article was misbranded in the above respects when introduced into, and while in, interstate commerce.

Mor-Hair scalp treatment. Misbranding, Section 502 (a), the statement on the carton label "The Mor-Hair Scalp Treatment Keys to luxuriant healthy hair" was false and misleading since the article was not effective for the purposes stated and implied. Further misbranding, Section 502 (a), certain statements in the above-mentioned leaflet accompanying the scalp treatment were false and misleading since the statements represented and suggested that the article was an adequate and effective treatment for baldness, dandruff, itchy scalp, and scalp disorders; and that it would maintain a healthful condition of the scalp and restore original color to dull and faded hair, whereas the article was not effective for the purposes stated and implied. The article was misbranded by reason of the statement on the carton label when introduced into, and while in, interstate commerce, and it was misbranded by the statements in the leaflet while held for sale after shipment in interstate commerce.

DISPOSITION: August 25, 1950. Default decree of condemnation. The court ordered that the products be disposed of by the United States marshal; accordingly, they were destroyed.

3259. Misbranding of Niagara devices. U. S. v. 31 Devices, etc. (F. D. C. No. 29074. Sample Nos. 71473-K, 71481-K, 71494-K, 71495-K.)

LABEL FILED: April 21, 1950, Southern District of California; amended label filed April 26, 1950.

ALLEGED SHIPMENT: On or about March 3 and April 12 and 20, 1950, by the Niagara Mfg. & Distributing Corp., from Buffalo, N. Y.; and on or about April 12, 1950, by the Niagara Massage Units Co., from Houston, Tex.

PRODUCT: 31 *Niagara Portable Model No. 2* devices and 11 *Niagara Hand Unit No. 1* devices, together with accompanying printed matter at Hollywood, Calif., in possession of the Niagara Units Co. Examination showed that the devices consisted of a vibrating electric motor mounted either in a metal cylinder (hand unit) or in an upholstered box (portable unit).

LABEL, IN PART: "Niagara of Adamsville Pennsylvania Portable Model No. 2 [or "Hand Unit No. 1"]."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in an accompanying circular entitled "Feel Better Look Years Younger" and similar statements in an accompanying circular entitled "Niagara Massage Units For Home Use" were false and misleading since the devices were not effective for the purposes stated and implied: "Feel Better Look Years Younger right in your own home the easy Niagara Way Reduce * * * The Portable Unit * * * to help you relieve those aching feet and legs, sore muscles, stiff joints * * * lack of vitality. * * * The Hand Unit can be used to * * * smooth out wrinkles * * * The Hand Unit is an indispensable aid for relieving that tired aching soreness across the shoulders and the back of the neck." The devices were misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

(60/1)

Further misbranding, Section 502 (a), certain statements in other printed matter accompanying the devices were false and misleading since the devices were not an adequate and effective treatment for the conditions stated and implied, and the use of the devices would not fulfill the other promises of benefit stated and implied. The accompanying printed matter consisted of a leaflet entitled "Suggested Method of Treatment with Niagara Therapeutic, Reducing and Hand Units"; a case history letter, a letter beginning "I will answer the questions," and another letter beginning "We are truly concerned about you"; a circular entitled "Reduce at Home The Easy Niagara Way"; and a sales manual. The false and misleading statements in the printed matter represented and suggested that the devices were an adequate and effective treatment for overweight, head colds, high and low blood pressure, numbness of arms, extreme fatigue, hives; stiff knees, arms, and hands; pain in knees, sore feet, extreme nervous fatigue, migraine headaches, nervous tension, pallor, fungus growth on nails, arthritis, neuritis, insomnia, sinusitis, varicose veins, hemorrhoids, numbness and cold feet, periodic cramps, arteriosclerosis, atonic and spastic constipation, chronic phlebitis, catarrhal deafness, bronchitis, rhinitis, asthma, sciatica, myositis, general run-down conditions, and poor circulation; and that use of the devices would firm sagging facial muscles, remove double chin and wrinkles, insure the user normal good health, reduce the female generative organs to their normal nonpregnant size and condition, bring about normal menstruation, and lower the insulin requirement in diabetes. The devices were misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: September 29, 1950. The Niagara Mfg. & Distributing Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the devices be released under bond for relabeling, under the supervision of the Federal Security Agency.

DRUGS FOR VETERINARY USE

3260. Misbranding of Sal-Vet Concentrate and Sal-Vet Mineral Supplement.
U. S. v. 5 Cases, etc. (F. D. C. No. 29369. Sample Nos. 54791-K, 54792-K)

LABEL FILED: June 28, 1950, Southern District of Mississippi; amended label filed July 12, 1950.

ALLEGED SHIPMENT: On or about March 3, 1950, by the Sal-Vet Mfg. Co., from Cleveland, Ohio.

PRODUCT: 5 cases, each containing 12 3-pound cartons, of a product designated as *Sal-Vet Concentrate*, and 3 90-pound drums of a product designated as *Sal-Vet Mineral Supplement*, at Canton, Miss., together with a number of accompanying leaflets entitled "How To Make Your Own Sal-Vet."

Examination disclosed that the product under both designations was of the same composition, and that it consisted essentially of limestone, approximately 67 percent; sulfur, 4.5 percent; Glauber's salt, 3.3 percent; iron sulfate, 2 percent; and charcoal; and that it contained no significant proportion of any animal feeding oil or linseed oil.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the accompanying leaflets were false and misleading since the articles were not effective for the purposes stated and implied: "Sal-Vet will keep your livestock in the best of condition; worm free, strong and sturdy with resistance

power against sickness * * * by using Concentrate to make your own worm destroyer and conditioner tonic."

Further misbranding, Section 502 (a), the following statements in the labeling of the articles were false and misleading since the article contained no significant proportion, if any, of animal feeding oil or linseed oil: (Label) "Ingredients * * * Animal Feeding Oil" and (leaflet) "It consists of 100% Chemicals and Minerals, such as * * * Raw Linseed Oil."

DISPOSITION: September 21, 1950. Default decree of condemnation and destruction.

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